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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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6 UNITED STATES OF AMERICA,

No. CR 05-0784-01 MHP

7 Plaintiff(s),

**AMENDED ORDER REVOKING
SUPERVISED RELEASE AND
JUDGEMENT**

8 v.

9 JOHN FRANKLIN,

10 Defendant(s).

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13 This matter came on pursuant to an Order to Show Cause why supervised release should not
14 be revoked. Defendant appeared in person with his attorney Geoffrey Hansen. The United States
15 was represented by Assistant United States Attorney Nathaniel Cousins.

16 The defendant was advised of the following:

- 17 1. His right to a hearing on the alleged violations of supervised release;
- 18 2. His right to confront and cross-examine witnesses;
- 19 3. His right to produce evidence and witnesses at the hearing without cost to him if he
20 could not afford the same;
- 21 4. His right to continue to have court appointed counsel represent him throughout the
22 proceedings; and
- 23 5. The nature of the revocation proceedings and the consequences if a violation was
24 found and supervised release revoked or modified.

25 The court finds that defendant was fully advised of his constitutional and statutory rights in
26 connection with these proceedings either as a basis for modification or revocation; that he fully
27 understands the nature of the proceeding and the defenses that he may assert in the proceeding; that
28 he fully understands the consequences of the proceeding; and that he freely and voluntarily waives

1 his right to a hearing, his counsel consenting thereto.

2 The court finds that the defendant has admitted to the violations as alleged in the petition to
3 revoke and that such violations are sufficient cause to revoke supervised release.

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5 Charge 1: Violation of Special Condition Seven which states that defendant shall reside
6 in either a residential drug treatment program, or a halfway house type
7 facility, for a period of twelve months, in that defendant was unsuccessfully
8 terminated from the Cornell Corrections on June 17, 2008 for unauthorized
9 possession of a cell phone.

10 Charge 3: Violation of Standard Condition Seven which states that defendant shall not
11 possess any controlled substances, or any paraphernalia related to controlled
12 substances, in that on July 10, 2008, defendant was in possession of
13 approximately thirteen bags of suspected crack cocaine.

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15 Based on the foregoing,

16 **IT IS ADJUDGED that Supervised Release is hereby REVOKED and defendant is**
17 **remanded to further custody of Bureau of Prisons for a period of ninety (90) days, with credit**
18 **for time served.** No further Term of Supervised Release is ordered. Charges 2 and 4 and petition
19 are dismissed upon motion of the government.

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22 Dated: 7/29/2010

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MARILYN HALL PATEL
United States District Court